

HOUSE JOINT RESOLUTION 1

Unofficial Copy
M3

2003 Regular Session
3r0679

By: **Delegate Hubbard**

Introduced and read first time: January 15, 2003

Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Environmental Protection Agency - Air Pollution Rule Changes**

3 FOR the purpose of opposing recently adopted changes to the New Source Review air
4 pollution control program; opposing certain changes that would allow industrial
5 facilities to avoid modernizing and upgrading air pollution control equipment;
6 supporting and encouraging efforts by other Northeastern states to block
7 implementation of recently enacted New Source Review rule changes;
8 supporting a certain lawsuit filed in the U.S. District Court of Appeals; urging
9 the Maryland Congressional Delegation to oppose any changes that would
10 weaken the provisions of the federal Clean Air Act; directing copies of this
11 resolution be forwarded to certain individuals; and generally relating to rule
12 changes to the New Source Review air pollution control program.

13 WHEREAS, The New Source Review (NSR) air pollution control program,
14 administered by the United States Environmental Protection Agency (EPA), under
15 the authority of the federal Clean Air Act, required existing power plants, refineries,
16 and other industrial facilities to install improved air pollution controls when
17 upgrading, expanding, or making physical or operational changes that result in a
18 significant increase in air emissions, unless the modifications were considered
19 "routine maintenance"; and

20 WHEREAS, These plants were already exempted under the Clean Air Act and
21 allowed to continue polluting at their historic levels, as long as they did not undertake
22 major changes; and

23 WHEREAS, EPA Administrator Christine Todd Whitman recently approved
24 sweeping new NSR rule changes that would allow certain industrial plants, including
25 oil refineries and other facilities that meet certain criteria, to operate for a 10-year
26 period without NSR scrutiny; allow industrial plants, under "plantwide applicability
27 limits" to clean up some emissions sources while allowing others to increase, as long
28 as total emissions do not violate a site-wide cap; and extend a more lenient "baseline
29 emissions" provision to project how plant changes will affect future omissions; and

30 WHEREAS, Administrator Whitman has also approved proposed rule changes
31 to the NSR air pollution control program that would allow plants to undertake
32 extensive changes without triggering requirements to reduce pollutants as long as the
33 cost of the changes was below certain levels; and, by redefining "routine maintenance,

1 repair, and replacement," to allow power plants, refineries, and industrial facilities to
2 upgrade their dirtiest facilities, without installing modernized air pollution control
3 equipment; and

4 WHEREAS, Studies clearly demonstrate that industrial air pollution is a major
5 cause of environmental harm and poses a significant risk to human health; and

6 WHEREAS, Enhanced air pollution control capacity in older power plants,
7 refineries, and other industrial facilities, especially those located in "upwind" states
8 in the Midwest and South, is critical to improving air quality and public health in
9 Northeastern "downwind" states, including Maryland, because prevailing winds can
10 transport air pollutants and pollutant precursors up to 500 miles; and

11 WHEREAS, Implementation of these recently adopted and proposed rule
12 changes would be detrimental to the public health, safety, and welfare of the citizens
13 of Maryland and harmful to the environment and represent a retreat from stricter air
14 pollution rules; and

15 WHEREAS, Maryland has announced it will join 10 other Northeastern states
16 in a federal suit to invalidate these EPA rule changes; now, therefore, be it

17 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the
18 General Assembly opposes recently adopted rule changes to the New Source Review
19 air pollution control program by the United States Environmental Protection Agency
20 that would allow industrial polluters to operate outside New Source Review scrutiny,
21 selectively clean up emission sources, and more leniently calculate the effect of plant
22 changes on polluting emissions; and be it further

23 RESOLVED, That the General Assembly strongly opposes changes that would
24 allow industrial facilities, when undertaking plant upgrades, to avoid the necessity of
25 modernizing and upgrading air pollution control equipment in certain circumstances;
26 and be it further

27 RESOLVED, That the General Assembly opposes any proposed rule changes
28 that would weaken provisions of the federal Clean Air Act and allow many existing
29 stationary sources of air pollution, such as power plants and refineries, to make
30 improvements without regard to changes in emissions; and be it further

31 RESOLVED, That the General Assembly supports and encourages efforts by
32 other Northeastern states to block implementation of the recently enacted New
33 Source Review rule changes and supports the lawsuit, to be filed in the U.S. District
34 Court of Appeals, that argues the rule changes are inconsistent with the federal Clean
35 Air Act and should be invalidated; and be it further

36 RESOLVED, That the General Assembly urges the Maryland Congressional
37 Delegation to strongly oppose any changes that would weaken the provisions of the
38 federal Clean Air Act; and be it further

39 RESOLVED, That a copy of this Resolution be forward by the Department of
40 Legislative Services to the Honorable George W. Bush, President of the United States,

1 and Christine Todd Whitman, Administrator of the United States Environmental
2 Protection Agency; and be it further

3 RESOLVED, That a copy of this Resolution be forward by the Department of
4 Legislative Services to the Maryland Congressional Delegation: Senators Paul S.
5 Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510;
6 and Representatives Wayne T. Gilchrest, C. A. Dutch Ruppersburger III, Benjamin L.
7 Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E.
8 Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington,
9 D.C. 20515; and be it further

10 RESOLVED, That a copy of this Resolution be forwarded by the Department of
11 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;
12 the Honorable J. Joseph Curran, Attorney General of Maryland; the Honorable
13 Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable
14 Michael E. Busch, Speaker of the House of Delegates.